REMARKS

Claims 10-13 and 24-27 remain pending, of which claims 12 and 25-27 are amended. Claims 1-9 and 14-23 are canceled. No claims are added.

The Office Action indicates that a more descriptive title is desired. As shown above, the title is amended to become more descriptive.

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as anticipated by either Otsuka (JP 10-283645) or Tsuchimochi (JP 08-306052). As shown above, these claims are now canceled. Therefore, the rejection is now rendered moot.

Claims 4 and 24 stand rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, 35 U.S.C. § 103(a) as obvious over the prior art cited above with respect to claim 1 (Otsuka and Tsuchimochi) and "either further considered with" Ogata (JP 2000-236188). As shown above, claim 4 is now canceled, thereby rendering its rejection moot. Regarding claim 24, applicants respectfully traverse this rejection.

An anticipation rejection cannot rely on a combination of multiple references. Therefore, if Otsuka or Tsuchimochi individually cannot support an anticipation rejection, additional reliance on Ogata still cannot support the rejection. However, multiple references can sometimes be combined to support an obviousness rejection, so applicants explain why the applied references do not support an obviousness rejection of claim 24.

Claim 24 describes an optical disk drive that includes:

> a controller for setting a focus offset value and/or a tracking offset value, wherein [The claim continues by specifying various features of the "controller."]

The holding of anticipation or obviousness of such an optical disk drive is unsupported.

A short statement in the second to last paragraph of page 3 of the Office Action implies that both Otsuka and Tsuchimochi may contain disclosures of the setting or resetting of an

amplifier's DC gain to anticipate the claimed setting and resetting of a "focus offset value" and a "tracking offset value." However, the Office Action provides no citation to any parts of the documents that supposedly provide these disclosures. Without such citation, the PTO cannot meet its burden to support the rejection. Additionally, applicants have studied the references and find no such disclosure of the claim 24 optical disk drive with a "controller" having all the features specified in the claims.

The Office Action also provides the alternative argument that, if Otsuka and Tsuchimochi do not provide a teaching to anticipate claim 24, Ogata would suggest modifying the optical disk drives of Otsuka and Tsuchimochi to have all the claimed features. However, the Office Action does not indicate which parts of Ogata supposedly provide such a suggestion. Without such citation, the PTO has not met its burden of justifying a holding of obviousness. Also, applicants have studied Ogata and find no such suggestion to make the modification to justify a rejection.

Due to the lack of any showing of a teaching or suggestion of an optical disk drive having a controller with all the features recited in claim 24, applicants submit that the art rejection should be withdrawn. If, for some reason, the Examiner decides to maintain the rejection, applicants request an adequate showing of which parts of the prior art disclosure actually teach or suggest the recited claim features. Applicants respectfully submit that the general statement that the references disclose the claim features does not support the rejection.

Claims 10, 11, and 14-17 stand rejected under 35 U.S.C. § 103(a) as obvious over Kulakowski et al. (U.S. Patent No. 5,566,077) in view of Tsutsui (U.S. Patent No. 5,699,333) or Tsuchimochi. As shown above, claims 14-17 are now canceled, thereby rendering their rejections moot. Regarding claims 10 and 11, applicants respectfully traverse this rejection.

The Kulakowski et al. optical drive differs from the claimed invention in its basic reaction to varying operating temperatures. The optical disk drive of applicants' claim 10 includes a "resetting means" for resetting a set focus offset value and/or a set tracking offset value upon occurrence of a specified internal temperature condition. In contrast, when the drive temperature of the Kulakowski et al. optical drive system exceeds certain thresholds, the system inhibits write, erase, read, and/or verify operations. Inhibiting these operations adjusts the drive's duty cycle and thereby maintains the operating temperature within predetermined parameters. (Column 2, line 61, to column 3, line 8.)

The Office Action does not indicate any Kulakowski et al. teachings of resetting a focus offset value and/or a tracking offset value as a reaction to varying operating temperatures. Further, although the rejection also relies on Tsutsui and Tsuchimochi as supposedly teaching "correcting/compensating for focus offset" during temperature variations, the Office Action provides no explanation of why such a reaction to temperature variations would be desirable in a system (i.e., the Kulakowski et al. system) that already reacts by inhibiting certain operations as summarized above.

In other words, even though the Office Action provides the statement that one would be motivated to modify the Kulakowski et al. system according to unspecified teachings in secondary references to obtain a benefit of the ability to correct/compensate for focus offset during temperature variations, such a statement cannot suffice as adequate motivation to justify an obviousness rejection without explaining why one would want to add such an ability to a system that already has a means to account for temperature variation.

Accordingly, applicants solicit the withdrawal of the obviousness rejection of claim 10 and also of claim 11 depending therefrom.

Additionally, the rejection of claim 11 should be withdrawn, not only for the reason that it depends from claim 10, but also because of the additional features of the optical disk drive recited in claim 11. Specifically, claim 11 specifies that the "determination means":

> determines whether or not a difference between a temperature most recently measured by the second temperature measurement means and an immediately preceding temperature measured by the second temperature measurement means has exceeded a predetermined level.

The Office Action provides no explanation of how the applied prior art supposedly teaches or suggests this claimed feature. In applicants' own study of the applied prior art, no such teaching or suggestion was found.

Therefore, for the additional reason that the features of the "determination means" recited in claim 11 have not been identified, applicants request the withdrawal of the rejection of that claim.

Claims 12, 13, 21-23, 26, and 27 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kulakowski et al. in view of Takasugi or Davis.[1] As shown above, claims 21-23 are now canceled, thereby rendering their rejection moot. Regarding claims 12, 13, 26, and 27, applicants respectfully traverse the rejection.

As an initial matter, applicants note the clarifying amendments to claims 12, 26, and 27.

As discussed above, the Kulakowski et al. optical drive differs from the claimed invention in its basic reaction to varying operating temperatures. In the claimed invention, a laser output value is reset upon occurrence of a specified internal temperature condition. In contrast, when the drive temperature of the Kulakowski et al. optical drive system exceeds

[1] As noted above, an anticipation rejection cannot rely on a combination of multiple references. However, multiple references can sometimes be combined to support an obviousness rejection.

certain thresholds, the system inhibits write, erase, read, and/or verify operation to maintain the operating temperature within predetermined parameters.

Although the Office Action indicates on page 6, second paragraph, that Kulakowski et al. is interpreted as teaching the resetting of system parameters as claimed, the Office Action does not identify any such teachings in the document. Further, although the rejection also relies on additional prior art references, the Office Action provides no explanation of why one skilled in the art would want to modify the Kulakowski et al. system, because this system already has a mechanism for responding to undesirably high temperatures.

Further, applicants find no suggestion in either Takasugi or Davis to suggest the modification of the Kulakowski et al. system to obtain the claimed optical disk drive, and the Office Action does not indicate where in Takasugi or Davis such disclosures supposedly exist. Therefore, the art rejection of claims 12, 13, 26, and 27 should be withdrawn. If, for some reason, the Examiner decides to maintain the rejection, applicants request an adequate showing of which parts of the prior art disclosure actually teach or suggest the recited claim features. Applicants respectfully submit that the general statement that the references disclose the claim features does not support the rejection.

Additionally, the rejection of claims 13 and 27 should be withdrawn, not only for the reason that they depend from claims 12 and 26, respectively, but also because of the additional features of the optical disk drive recited in claims 13 and 27.

In particular, claims 13 and 27 specify that the optical disk drive has components that determine whether or not a difference between a most recently measured temperature and an immediately preceding measured temperature has exceeded a predetermined level and then resets

a laser output value when the difference has exceeded that predetermined level. The Office Action provides no identification of any prior art disclosure of these claimed features.

Accordingly, if, for some reason, the rejection of parent claims 12 and 26 is maintained, the rejection of dependent claims 13 and 27 should be withdrawn due to at least the failure of any cited prior art disclosure of the identified claim features.

Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as obvious over Masaki et al. in view of Tsutsui or Tsuchimochi, and further in view of Takasugi or Davis. As shown above, these claims are now canceled. Therefore, their rejection is now rendered moot.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as obvious over the prior art relied upon with respect to parent claim 24 (Otsuka, Tsuchimochi, and Ogata) and further in view of Kulakowski et al. and Takagi (U.S. Patent No. 6,567,350). Applicants respectfully traverse this rejection.

As an initial matter, applicants note the clarifying amendment to the claim.

As discussed above with respect to the art rejection of parent claim 24, that rejection should be withdrawn. Therefore, the art rejection of dependent claim 25 should be withdrawn for at least the reason of its dependency. Applicants of course acknowledge that claim 25 stands rejected based in part also on Kulakowski et al. and Takagi. However, these references are not relied upon to support the rejection of parent claim 24.

Additionally, claim 25 also recites additional features, and, to support a rejection of claim 25, a prior art teaching or suggestion of these features must be provided. However, no such teaching or suggestion is cited in the Office Action, as detailed in the following:

Regarding the additional features of the invention recited in claim 25, the Office Action provides acknowledgement that "there is no clear description with respect to detecting the

variations in temperature for a plurality of times so as to yield the limitations focusing on the 'most recently measured' value" (Office Action, page 6, bottom). To teach or suggest these features, the rejection relies on Kulakowski et al. and Takagi.

Regarding Kulakowski et al., applicants explain above how the disclosed optical drive differs from the claimed invention in its basic reaction to varying operating temperatures. Although the Office Action states that the Examiner interprets Kulakowski et al. as teaching "providing for the 'most recently' measured limitation of claim 25" (Office Action, page 7, top), the Office Action does not identify any such supposed teachings in the document.

Applicants respectfully cannot accept the Examiner's interpretation of Kulakowski et al. without an indication of any supporting statements in the reference. Further, even if Kulakowski et al. did provide such a teaching, there is no explanation of why one skilled in the art would want to modify the already-modified systems of Otsuka, Tsuchimochi, and/or Ogata, because those systems already have mechanisms for responding to undesirably high temperatures. Accordingly, Kulakowski et al. cannot be properly relied upon to support the rejection.

Regarding Takagi, the Office Action indicates that a "continuous measuring ability" is discussed beginning in column 16 at line 7. (Office Action, page 7, second paragraph.) Apparently, the reference is to the following:

> The measured temperature value **625** is continuously transmitted to the control CPU **612**, in which a control adjustment request section **616** continuously detects a temperature change from the time when the previous control adjustment was performed. When the value of the temperature change exceeds a predetermined temperature difference, a control correction request la ["is"?] transmitted to a control correction determination section **617**.

(column 16, lines 9-16, emphasis added.) However, this disclosure does not teach or suggest the claim 25 recitation that the controller:

> determines whether or not a difference between a most-recently measured temperature and a measured temperature immediately preceding the most-recently measured temperature has exceeded a predetermined level (emphasis added).

That is, Takagi teaches a detection of temperature change from the time when the previous "control adjustment" was performed, but claim 25 describes determining the difference of a temperature and the "immediately preceding" temperature (not a reference to a "control adjustment"). Accordingly, Takagi cannot suggest the modification upon which the claim 25 obviousness rejection relies.

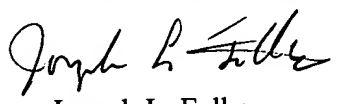
For at least these reasons, applicants submit that the rejection of claim 25 has not been justified. Accordingly, withdrawal of the rejection is now solicited.

In view of the remarks above, applicants now submit that the application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is believed that this application is not now in condition for allowance, the Examiner is invited to contact applicants' undersigned attorney at the telephone number indicated below to arrange for disposition of this case

In the event that this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time, and any other fees that may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully Submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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